

Appl. No. : 09/788,847
Filed : 03/09/2001

REMARKS

Claims 1-10 are pending in this application. Claims 1, 3-5, and 7-9 have been amended. Support for the amendments is found in the specification and claims as filed. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 1, 3-5, and 7-9 have been rejected under 35 U.S.C. §112, second paragraph, as indefinite on various grounds. The claims have been amended to address each of the rejections. In view of the amendments, Applicants respectfully request withdrawal of the rejections of Claims 1, 3-5, and 7-9.

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1-10 under 35 U.S.C. §102(b) as anticipated by U.S. 5,840,406 ("Nilsen"). "A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference." See, e.g., *In re Paulsen*, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994). Nilsen does not disclose every element of Applicants' claims, and therefore cannot be considered as an anticipating reference under 35 U.S.C. § 102(b).

The pending independent claim recites a retroreflective article comprising, *inter alia*, "a plurality of trigonal linear prisms disposed along at least one of the uncommon edges among the sides of the three triangles." A "trigonal" linear prism is therefore an element of the independent claim and its corresponding dependent claims. Nilsen, as depicted e.g., in Figure 7, disclose windows (10F as shown in Figures 7 and 9) that have a flat outer surface. In contrast, in the pending independent claim the linear prisms are "trigonal," that is, they have an inverted V-shaped outer surface. This difference is illustrated in the following Figures 1 and 2 depicting, respectively, the retroreflective structure of Nilsen and one of the possible retroreflective structures encompassed by the pending independent claim.

Figure 1

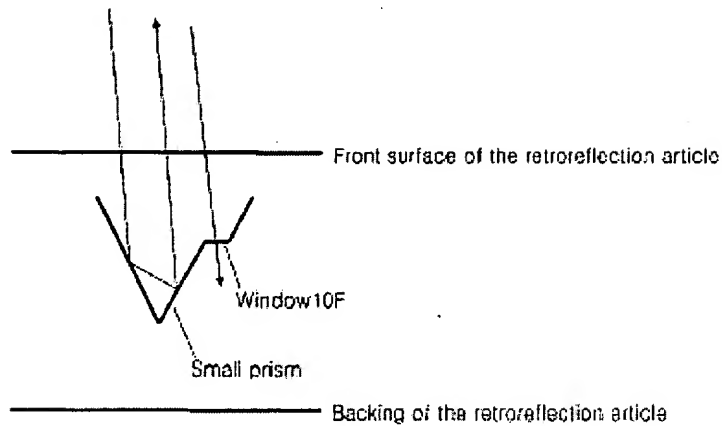
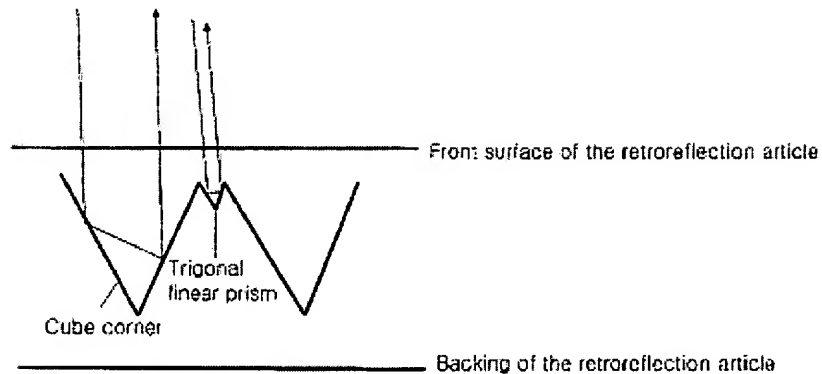


Figure 2



As depicted in Figure 1, light passes unimpeded through window 10F, is reflected off of the backing of the reflective sheeting, then passes through window 10F again. Therefore, retroreflection of light does not occur in the window 10F. In contrast, as illustrated in Figure 2, light is retroreflected in the trigonal linear prisms as recited in the pending claims. Thus, Nilsen does not disclose the "trigonal" linear prism element, and therefore cannot anticipate Claims 1-10. Accordingly, Applicants respectfully request that the anticipation rejection of Claims 1-10 be withdrawn.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

9/17/02

By: _____



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Deleted text is indicated by [bracketed boldface]. Added text is indicated by **underlined boldface**.

IN THE CLAIMS:

Claims 1, 3-5, and 7-9 have been amended as follows:

1. (Amended) A retroreflective article [having] **comprising** a flat front surface and a structured rear surface, the structured rear surface [including] **comprising**:

a continuous arrangement of three triangles which are mutually perpendicular and have one common point; and

a plurality of trigonal linear [prism] **prisms** disposed along at least one of the uncommon edges among the sides of the three triangles.

3. (Amended) The retroreflective article of claim 1 having an index of refraction of about 1.4 [~] **± 1.7**.

4. (Amended) The retroreflective article of claim 1 wherein an axis extending from the common point to the front surface of the retroreflective article while keeping [the same angular relation to] **a same angle with** the three triangles, is tilted by -15° [~] **± 15°** to an axis normal to the front surface of the retroreflective article.

5. (Amended) The retroreflective article of claim 1 wherein [one or more] **a plurality** of the trigonal linear prisms are disposed along one **uncommon** edge.

7. (Amended) The retroreflective article of claim 2 having an index of refraction of about 1.4 [~] **± 1.7**.

8. (Amended) The retroreflective article of claim 2 wherein an axis extending from the common point to the front surface of the retroreflective article while keeping [the same angular relation to] **a same angle with** the three triangles, is tilted by -15° [~] **± 15°** to an axis normal to the front surface of the retroreflective article.

9. (Amended) The retroreflective article of claim 2 wherein [one or more] **a plurality** of the trigonal linear prisms are disposed along one **uncommon** edge.